

(AR-18J)

February 28, 2005

James Warner, Director  
Industrial Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

Dear Mr. Warner:

Enclosed is a signed copy of the Memorandum of Agreement (MOA) between the Minnesota Pollution Control Agency and the United States Environmental Protection Agency (EPA), Region 5, Air and Radiation Division. We wish to thank you for the hard work you and your staff put in to reach this agreement. We trust it will assist both the State and EPA in continuing the implementation of the air permit program. This MOA will be followed with the publication of a federal register notice announcing the agreement between our agencies. If you have any questions concerning this letter, the Memorandum of Agreement itself or its implementation, please contact Jennifer Darrow at (312) 886-6315.

Sincerely yours,

/s/

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

February 28, 2005

AR-18J

James Warner, Director  
Industrial Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Re: Response to Official Comment on Signed Memorandum of Agreement for Delegation of  
Section 112 Standards

Dear Mr. Warner:

Thank you for the September 15, 2004, letter from Sheryl A. Corrigan submitting for the docket your position regarding the Mille Lacs Indian Reservation boundary in relation to the U.S. Environmental Protection Agency (U.S. EPA)-Minnesota Pollution Control Agency (MPCA) Memorandum of Agreement for the delegation by U.S. EPA to MPCA of the Clean Air Act's Section 112 program.

As we have stated in previous correspondence, the United States Department of Interior, through the Bureau of Indian Affairs and the Solicitor's Office, is responsible for making determinations regarding reservation boundaries. The Department of the Interior has taken the position that the boundaries of the Mille Lacs Reservation, as defined by the Band's Treaty of 1855, remain intact. We enclose two letters that set forth in detail the Solicitor's Office opinion and which U.S. EPA has consistently and publicly referenced when responding to questions regarding the boundary of the Mille Lacs reservation. The U.S. EPA relies upon the Solicitor's Office opinion in administering Federal environmental programs for the Mille Lacs reservation. Therefore, we must disagree with your characterization that the Mille Lacs Indian reservation is comprised solely of trust lands located within Kathio, South Harbor and Isle Harbor Townships. The U.S. EPA's position is that the Mille Lacs Reservation, as defined in the Band's Treaty of 1855, has not been diminished and that the area within this reservation remains "Indian Country" as that term is defined in 18 U.S.C. § 1151(a).

I agree that the ongoing disagreement between the U.S. EPA and MPCA regarding the boundary of the Mille Lacs Reservation is not suited to resolution in the context of this program delegation, and I appreciate your continuing efforts to work in partnership with U.S. EPA to further environmental protection in Minnesota.

A copy of your letter and this response will be placed into the docket for this Section 112 program delegation.

Please contact me if you have any further questions about this matter.

Sincerely yours,

/s/

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosures

cc: Scott Hansen  
Director of Environmental Programs  
Mille Lacs Band of Ojibwe